

WESTERN DISTRICT OF WISCONSIN

ROGER DALE GODWIN, PLAINTIFF,
D.O.C. NUMBER 434220

2010 OCT -4 AM 9:23

-VS-

CASE NO: PETER OFFICER
CLEAR US DIST COURT
DR. WADLER,

NP NANCEY TIDQUIST, HSU UNIT SUPERVISOR TAMMY MAASSEN, NOLLY A. GUNDERSON,
WARDEN RANDALL HEPP, ICE JODI DOUGHERTY, J.C.I LIBRIAN
DEPARTMENT OF CORRECTIONS SECRETARY RICK RAEMISCH, J.C.I LIBRIAN
FLIEGER (ALL ARE WI. DEPARTMENT OF CORRECTIONS STAFF).
DEFENDANTS.

10 C 573 BPC

COMPLAINT UNDER THE CIVIL RIGHTS ACT 42, U.S.C. SECTION 1983

1. PLACE OF PRESENT CONFINEMENT: JACKSON CORRECTIONAL INSTITUTION
N6500 HAIPEK RD. P.O. BOX 233 BLACK RIVER FALLS, WI. 54615-0233.

A. IS THERE A GRIEVANCE PROCEDURE IN YOUR PRISON/JAIL? YES

B. HAVE YOU FILED A GRIEVANCE CONCERNING THE FACTS RELATING
TO THIS COMPLAINT? YES

C. IF YOU HAVE USED THE GRIEVANCE PROCESS:

1. DESCRIBE WHAT YOU DID AND THE RESULTS IF ANY:

IN THE MATTERS IN THIS COMPLAINT, I FILED BOTH, INMATE
COMPLAINTS WITHIN THE INSTITUTION AND FILED APPEALS OF
THE ADVERSE DECISIONS. THE ADVERSE DECISIONS WERE UPHELD
BY THE SECRETARY OF THE DEPARTMENT OF CORRECTIONS.

2. IS THE GRIEVANCE PROCESS COMPLETED? YES

D. IF YOU DID NOT USE THE GRIEVANCE PROCESS EXPLAIN WHY NOT:

N/A PROCESS FULLY COMPLETED..

II. PARTIES: JACKSON CORRECTIONAL INSTITUTION

ROGER DALE GODWIN, 434220, PLAINTIFF, JACKSON CORRECTIONAL INST.
P.O. BOX 233 BLACK RIVER FALLS, WI. 54615-0233.

DEFENDANT NP NANCEY TIDQUIST, is employed by the State of
Wisconsin Department of Corrections, at Jackson Correctional
Institution. The defendant is being sued in her individual
capacity. This defendant was acting under the color of State
Law when she willfully, knowingly and intentionally deprived
the plaintiff of rights protected by the Wisconsin, United States
Constitutions.

Case: 3:10-cv-00573-bbc Document #: 1 Filed: 10/04/10 Page 2 of 9

DEFENDANT TAMMY MAASSEN, IS EMPLOYED BY THE State of Wisconsin Department of Corrections, at Jackson Correctional Institution, as Health Services Unit Supervisor. This defendant was acting under color of State Law when she intentionally deprived the plaintiff of rights protected by the Wisconsin, United States Constitutions. She is being sued in her individual capacity.

DEFENDANT DR. ADLER, in this matter is employed by the State of Wisconsin Department of Corrections, at Jackson Correctional Institution, as a medical doctor. This defendant was acting under the color of State Law when he intentionally, willfully and knowingly deprived the plaintiff of rights protected by the United States and Wisconsin Constitutions.

DEFENDANT WARDEN RANDALL HEPP, in this matter is employed by the State of Wisconsin Department of Corrections, at Jackson Correctional Institution, as a Warden. This defendant was acting under the color of State Law when he willfully, intentionally and knowingly deprived the plaintiff of rights protected by the United States, Wisconsin Constitutions. He is being sued in his individual capacity.

DEFENDANT ICE JODI DOUGHERTY, is employed by the State of Wis. Department of Corrections, at Jackson Correctional Institution, as a Inmate Complaint Examiner. This defendant was acting under the color of State Law when she intentionally, willfully and knowingly deprived the plaintiff of rights protected by the United States, Wisconsin Constitutions. She is being sued in her individual capacity.

DEFENDANT HOLLY GUNDERSON, in this matter is employed by the State of Wisconsin Department of Corrections, at Jackson Correctional Institution, as Bureau Health Services Supervisor. This defendant was acting under the color of State Law when she willfully, knowingly and intentionally deprived the plaintiff of rights protected by the United States, Wisconsin Constitutions. She is being sued in her individual capacity.

DEFENDANT SECRETARY OF DEPARTMENT OF CORRECTIONS RICK RAEMISCH, in this matter is employed by the State of Wisconsin Department

Case: 3:10-cv-00573-bbc Document #: 1 Filed: 10/04/10 Page 3 of 9
of Corrections, at Department of Corrections, in Madison, Wis., as a Secretary. This defendant was acting under the color of State Law when he willfully, intentionally and knowingly deprived the plaintiff of rights protected by the United States, Wisconsin Constitutions. He is being sued in his individual capacity.

III. PREVIOUS LAWSUITS:

There has been no previous lawsuits filed in either State or Federal Courts relating to the same facts involved in this action. I have also not begun any other lawsuits in State or Federal Courts relating to my imprisonment..

IV. STATEMENT OF CLAIM:

Since April 2010, which is when I arrived at Jackson Correctional Institution from Waupun Correctional Institution, when I was at W.C.I I was being "professionally, ethical treated" by all nurses, doctors there for my skin, I had no complaints from either of them within the time I was there which was 10½ months.

I arrived here at Jackson Correctional Institution the second week of April, 2010, upon my arrival J.C.I Health Services Unit, Medical Nurses, Dr. Adler started to take away my medications which not only helps the dry skin but also helps the burning all over my body. So from April to August 14th, 2010, and up till now I have been lied to and given the run around about my skin and medications and once I have found something to relieve the pain, ache, hurt, anxiety, and restless nights/days the HSU here at J.C.I takes it away and then they lie in my reply to my ICI# 2010-28498, and also all the way to DOC Secretary Rick Raemisch (dismiss). I was given: Lobana Lotion, Hydrocerin Cream to help with my skin and it worked alot better than some of the other I have been given for over these past 6 months. I ran out of the Lobana Lotion and the Hydrocerin Cream I was given on 8-12-10 and HSU stated they was unable to refill them. On 8-19-10, I wrote to HSU and asked them about the non-controlled shampoo that I was told would be ordered and sent to me when it arrives here at J.C.I and there reply was: You are scheduled 8-31-10. On 9-1-10, I wrote to HSU Unit Supervisor Tammy Maassen, Warden Randall Hepp and told them that the NP Nancey Tidquist did not examine my face, scalp when I saw her on 8-31-10, she was looking at my right arm and stated: I do not see no dry skin but if she would've did her job and

Case: 3:10-cv-00573-bbc Document #: 1 Filed: 10/04/10 Page 4 of 9

looked on the side of my right, left side of my head she could've seen the rashes, dry skin, and would also seen the redness, dry skin in my eyes and face but she refused to do so and even though I wrote to HSU Unit Manager Tammy Maassen, Warden Randall Hepp neither of them wrote back or responded to my complaints so I wrote J.C.I ICI# 2010-18498, and it was dismissed by bias "Jodi Dougherty, Bias Holly Gunderson signed off on the ICI on the grounds to believe Dougherty, HSU Staff more than an inmate (me) who's in pain, ache, hurt, torture on 9-14-10 (dismiss), on 9-15-10, I appealed to: CORRECTIONS COMPLAINT EXAMINER in Madison, Wisconsin, and on 9-22-10, I got an CCE Return Letter by Karen Gourie stating: The enclosed ICRS Correspondence received on 9-20-10 is being returned for the following reaons(s):

The instructions listed on the DOC-404 REQUEST FOR CORRECTIONS COMPLAINT EXAMINER REVIEW FORM ARE AS FOLLOWS:

1. REJECTED COMPLAINTS CAN ONLY BE APPEALED TO THE APPROPRIATE REVIEWING AUTHORITY. THAT DECISION IS FINAL.
2. PREPARE AN ORIGINAL AND ONE COPY OF THIS REQUEST. PLEASE PRINT OR TYPE.
3. KEEP THE COPY OF THIS REQUEST FOR YOUR RECORDS AND SEND THE ORIGINAL, IN A SEALED ENVELOPE, TO:

CORRECTIONS COMPLAINT EXAMINER
DEPARTMENT OF CORRECTIONS
PO BOX 7925
MADISON, WISCONSIN 53707-7925

The DOC-405 form you submitted on complaint JCI-2010- 18498 is a photo copy. Per the instructions listed above, the original completed DOC-405 form is sent to the CCE for a Requested Appeal Review. If you wish for an appeal review of complaint JCI-2010-18498 you will nee to resubmit the original completed DOC-405 form to CCE. Sincerely Karen Gourlie. I did so and it was still (dismissed) but the forms does not have the language shall or must which means the inmate has to do it so therefore by Gourlie interference with this complaint I have not only exhausted my administrative remedies once on this appeal but twice.. There was never none what so ever any at all investigation done in this matter nor was any of my witnesses contacted or me the "victim". On 9-6-10, I filed another ICI because NP Tidquist lied, and she did not examine my skin or scalp and she took away my medications that was ordered by another nurse so she

Case: 3:10-cv-00573-bbc Document #: 1 Filed: 10/04/10 Page 5 of 9

went against another nurses orders, since the NP Tidquist has took away my non-control shampoo, Lobana Lotion I am only getting 8 hours of sleep per a week and not including the anxiety, no sleep, rest. When I go outside or get in or out of the shower it feels like someone has put a million buckets of fire ants on me, and without these medications I break out so bad that I look like a Red Lobster in the Desert. Also when I went to FOND DU LAC COUNTY JAIL for Court on 7-23-10 - 7-26-10, 9-9-10 - 9-11-10, the Staff including the Jail Nurses and my attorney Wayne Fulleylove-Krause asked me what the heck was wrong with my head and face and I told them all: J.C.I HSU will not treat my skin and has constantly refused to treat it since April 2010 including the "so call Dr. Adler" he goes alone with his bias/ tyrant staff. Rick Raemisch is the man who is over all these DOC employees and he refuses to do anything by what these DOC employees has done not only to me but others at J.C.I and you can file 100 ICI's, Appeal's and he will dismiss them so all of these staff has violated the 8th and 14th amendment to the United States, Wisconsin Constitutions by depriving the plaintiff of these rights and acting under the color of State Law.. These staff was also: OFFICIAL MISCONDUCT 94612(1)(2)(3) wis. stats.

LEGAL THEORY ON STATEMENT OF CLAIM:

The Eighth Amendment of the United States Constitution read as follows: Excessive bail shall not be required nor excessive fines be imposed, nor cruel and unusual punishment inflicted. It is well established that inmates have an Eighth Amendment right to the United States Constitution to adequate medical care and prompt assistance. ESTELLE VS GAMBLE, 429 U.S. 97, HARPER VS. SHOWERS, 174 F.3d 716, HUNT VS. UPHOPP, 199 F.3d 1220, GREENO VS. DALELY, 414 F.3d 645 (7th Cir.), ADAMS VS. POAG, 61 F.3d 1537..

This is also the case for the defendant Dr. Adler, as he "DOGGEDLY" persisted in a course of treatment known to be ineffective and caused this plaintiff more suffering. This plaintiffs approach to get his needs met these officials (medical staff, DOC Secreatry, J.C.I Warden Randall Hepp)reactions to him evidence that these officials treated the plaintiff not as a patient, but as a "nuisance".

DEFENDANT JACKSON CORRECTIONAL INSTITUTION LIBRIAN FLIEGER, is employed by the State of Wisconsin Department of Corrections, at Jackson Correctional Institution. The defendant is being sued in his individual capacity for violating this plaintiff's 1st, 14th amendment to the United States, Wisconsin Constitutions. This defendant was acting under the color of State Law when he willfully, knowingly and intentionally deprived the plaintiff of these rights at J.C.I Law Library alone with his law clerk.

Since April 2010, which is when I arrived from Waupun Correctional Institution and came to Jackson Correctional Inst. due to my change in classification, since April 2010, the J.C.I Law Library does not have alot of civil or criminal "legal forms" such as: KNIGHT PETITION, MOTION TO SUPPRESS ILLEGAL EVIDENCE, MOTION FOR APPOINTMENT OF COUNSEL IN FEDERAL OR STATE COURTS OR SUBPOENA FORMS. These are just some forms that I know that this bias prison does not have and has not had since April 2010 and how do I know this is because I have constantly asked the librian Flieger alone with his "so call law clerk" and they have not only stated to me but to other inmates that they do ~~not~~ know what these forms are but they do not have them at this law library and they cannot get them unless DOC approves them to get them on there list but yet the librian Flieger want give me the copy of this list. Since April 2010, I have wrote and went in the library and spoke to Flieger personally and told him that we were asking him to provide information regarding the law.

Case: 8:10-cv-00578-bbc Document #: 1 Filed: 10/04/10 Page 7 of 9

told him that even there, not in the law library. This is violating all J.C.I inmates 1st, 14th amendment under the Avery vs Johnson, Bounds vs Smith law and he told me they do not have to comply with such, I told him there in violation of there own Rule under DOC 309.155(1)(3) wis. adm. code, he told me to get out of his office or he will "place me not in segregation but under it. So on 8-3-10, I wrote to the J.C.I Librian Flieger and told him these forms are still not in the law library, I also told him per DOC 309.155(1)(3) it states clearly they have to have all these necessary "legal forms" for the inmates and a meaningful, adequate law library for the inmates to litigate and research his/her pending and non-pending cases and his reply was 1000% false and perjury and I have at lease 50 - 100 inmates whom will testify to thus. On 9-7-10, I wrote to the J.C.I Librian Flieger again and he claims he can get whatever we want but yet he cannot put them in the law library at J.C.I for the inmates/plaintiff can have access to these legal forms and materials which is what he suppose to do per DOC 309.155(1)(3) so on 9-7-10, I filed an ICI on these grounds on ICI# 2010-19041, it was dismissed like always by the Department of Corrections Rick Raemisch. I cannot even litigate and file the appropriate "legal forms" on my pending cases due to lack of inadequate "legal forms" that this institution (hereinafter J.C.I Prison) is suppose to have at all times for the inmates to litigate and research there cases that are pending such as the plaintiff's in the matter of: STATE VS GODWIN CASE NO: 10cf 184 or there suppose to provide legal assistance by someone who's train in the legal theory and J.C.I Law clerk is a Jailhouse legal clerk he is not certified as a parah legal or law clerk per to American Bar Associan, Supreme Court Regulation. By failing to provide these "legal forms" has violated the plaintiff's and all J.C.I inmates 1st, 14th amendment to the United States, Wisconsin Constitutions, has also violated 946.12 (1)(3) OFFICIAL MISCONDUCT, BOUNDS VS SMITH, 430 U.S. 817, 97 S.CT. 1491, 52 L.ED.2d 72 (1977), AVERY VS. JOHNSON, 393 U.S. 483, 21 L.ED.2d 718, 89 S.CT. 747..

This Librian Flieger alone with his "so call law clerk" has not complied with DOC 309.155(1)(3) because they have constantly failed, refused to place all necessary "legal forms" for all

Case: 3:10-cv-00573-bbc Document #: 1 Filed: 10/04/10 Page 8 of 9

J.C.I inmate, for they can litigate there pending and non-pending cases such as the plaintiff's in case no: 08cf122, 10cf184 which is all criminal cases and pending at thus time of this complaint, I have not been able to litigate my cases due to lack of "legal forms" and I even gave the J.C.I Librian Flieger, Warden Randall Hepp a choice to put them in there or I will file my ICI's/Appeals's and if they get (dismiss) I will sue them for violating my and my brothers here at J.C.I 1st, 14th amendment of the United States, Wisconsin Constitutions. So therefore, due to the evidence I will submit once there needed and alone with all my brothers that I will be subpoena in this matter I demand/ask that this Honorable Judge, Court grant all and any pending relief requested in this matter due to D.O.C, J.C.I is none compliance with there own Policy & procedures, Rules such as DOC 309.155(1)(3) and this is also in conflict with not only the State but also the Federal Laws but also the State and Federal Constitutions.

RELIEF REQUESTED BY THE PLAINTIFF-VICTIM:

It is requested that monetary damages be awarded due to the oppressive conditions of confinement and violation of the plaintiffs-victim 1st, 8th, 14th Amendment to the United States, Wisconsin Constitutions failure to provide a meaningful, adequate law library, it is well established with documentations that this plaintiff has a serious medical skin condition that has been diagnosed by doctors in the DOC and in the community and punitive damages shall be awarded due to the undue anxieties and medical anguish not related to the ordinary incidents of prison life , through the wanton infliction of pain caused solely at the hands of these officials (DOC Employees) acting under the color of State Law. These monetary damages are requested at the sum of: \$3,000,000.00 per claim, and each defendant in their individual capacity, compound daily entrace 100% at the sum of: \$2,000,000.00 per claim , and each defendant in their individual capacity. Also the defendant will demand a jury of 12 in thismatter to decide the relief this case is requested also this plaintiff ask that a (TRO) Temporary Restraining Order is placed on all defendants because he feels for his safety,life, liberty around them for revenge/retaliation due to he has filed this civil suite on them if there is any revenge or retaliation he will amend his suit as KENNETH HARRIS VS. GRAMS did. This

amendment. The plaintiff ask that all relief including the (TRO)
be granted in his favor due to what he has went through since
April 2010 till now and still nothing has been done but torture
the plaintiff and violated his and his brothers 1st, 14th U.S.C.A., 8th USC A.

EVERYTHING IN THIS COMPLAINT IS TRUE AND CORRECT TO THE BEST OF
MY KNOWLEDGE AT THIS POINT AND TIME, AND I declare under penalty
or perjury there's no lies or false information in this
complaint at all so help me GOD!!!!..

SINCERELY,
ROGER DALE GODWIN §434220
JACKSON CORRECTIONAL INSTITUTION
QUARRY UNIT CELL §247-L
POST OFFICE BOX 233
N6500 HAIPEK ROAD
BLACK RIVER FALLS, WISCONSIN 54615-0233
PLAINTIFF-VICTIM..

SIGNATURE: 

DATE THIS ON: 9-26-10, 2010..

C/C

WESTERN DISTRICT CLERK OF COURT ON 9-24-10.
FIND ENCLOSURES ..